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The treatise has, however, both a theoretical and a practical value to us. It is worth while to see how, in Quebec, a respect for precedent as great, apparently, as that of English lawyers affects a system of law based on the modern Civil Law. Continental law restrained by the doctrine of *stare decisis* seems to be preferable to Continental law *ferae naturae* as one finds it in the discordant writings of Savigny, Bouhier, and Pillet. The lawyer advising his client must have a happier life in Montreal than in Paris, since he has a guide in the decisions of the courts.

Even in a more practical sense this treatise is valuable to an American lawyer. The decisions of the Quebec courts, while not of authority with us, would on such questions be held in respect. The doctrines here stated are often identical with our own. There are, to be sure, some fundamental differences. Capacity to contract is determined, as in France, by the law of domicile, not as in this country (*Saul v. His Creditors*, 17 Mart. 596) by the *lex loci contractus*. The French rule, adopted by the Quebec Code, is an unfortunate one, resulting in an utter and hopeless want of unanimity among the authors as to its proper application. Another remarkable instance of difference is the recognition by the Quebec courts of foreign administrators, guardians, and even receivers. It must be confessed that in this respect the Quebec doctrine is in actual operation more satisfactory than ours.

The author's materials are well arranged, his exposition is clear, and his infrequent original suggestions are just and sound. J. H. B.

CASES ON CONSTITUTIONAL LAW. Edited by Carl Evans Boyd. Chicago : Callaghan & Co. 1898. pp. xi, 678.

The compiler of this book was right in thinking that a need is felt for a small collection of cases on constitutional law; but it cannot be said that the book satisfies the demand. The more a work of this nature is limited, the greater becomes the necessity for careful selection, arrangement, and annotation. Lacking any one of these requisites, a case-book is a failure. The work of selection, both in matter of the cases chosen and the extracts printed from them, is fairly well done. One omission only of any importance has been made,—in the matter of the power of Congress over the territories. On that subject only a short extract is printed from the *American Insurance Co. v. Canter*, p. 583, an extract wholly inadequate to suggest the difficult questions involved. This oversight is the more unfortunate because the authority is small in comparison with the importance of the subject, and could not, if all were printed, seriously increase the bulk of the book.

The general scheme of the topics is well conceived, and with some originality; but little skill is spent upon the arrangement of the cases under the headings. The author mainly follows Thayer's Cases in this regard, as he frankly admits in his preface. Where a change is made, it is generally for the worse. The strict adherence to chronology under Taxation leads to chaotic arrangement. The first case is *Hylton v. United States*, p. 26, where we try to solve the question of a direct tax. We think we have settled the question, and pass to State taxes on the instruments of the federal government and on interstate commerce, federal taxes on instruments of State government, and State tonnage taxes. After this technical question we find buried here the one general case on the broad problems in regard to the legitimate objects of taxation, *Loan*

Association v. Topeka, p. 78; and the next two cases, pp. 85, 91, bring us back to considering what is a direct tax again.

The chief defect in the work is its meagre, and sometimes careless, annotation. The only satisfactory note is on the *Dred Scott* case, p. 489, where the situation is well explained by quotations from writers of eminence. It is only fair to say that after the case of *In re Neagle*, p. 337, a note of four lines refers to a case decided in 1897; and under the Police Power, to make up, perhaps for printing only two cases, the author gives a note of twenty lines, stating the substance of two cases and citing six others. Under Interstate Commerce, however, the subject which above all marks a fluctuation between opposing views, there is not a note from beginning to end, except three lines at the end of *Gibbons v. Ogden*, p. 172, to the effect that Chancellor Kent (whose opinion was overruled by the decision) had held differently, and that his reasons might be found in his commentaries. What notes there are, are carelessly compiled; most of the citations are simply those referred to in the opinions; and a case referred to in *Loan Association v. Topeka*, p. 81, which in the opinion could be cited only in manuscript because not yet regularly reported, is still referred to as "MS.," although it has now been reported for twenty-four years. *Lowell v. Boston*, 111 Mass. 454. Useful the book may be for beginning the study of constitutional law; but it is unfortunate that the work has not been better carried out.

J. G. P.

THE LAW OF BANKRUPTCY. By Wm. Miller Collier. Albany, N. Y.: Matthew Bender. 1898. pp. xxx, 536.

Primarily this treatise is a clear analysis of the United States Bankruptcy Act of 1898, and the arrangement of the chapters and the scheme of the sub-sections are partly determined by the form of the Act. Each section of the law is printed in full: there are references to former National Bankruptcy Acts and cross-references to the present Act. Following this is the commentary upon the section in topical paragraphs—over seven hundred in all. This form of treatment is most convenient for the practitioner. The appendix, containing certain forms from another hand, is now superseded by the official forms; but the abstract of State Exemption Laws in Appendix B is indispensable.

The study of bankruptcy consists mainly in construing the statutes. The permanent value of the author's work depends upon the accuracy of his forecast of the way in which the courts will construe the Act. In his interpretation of the law the author cites over five thousand cases bearing upon analogous provisions in other Acts, American and English: the chief stress is, of course, laid upon the judicial construction of the United States Bankruptcy Act of 1867, on which the present law is largely moulded. The author's comments are very uneven in value, but some are distinctly able. The fundamental chapter upon the creation and jurisdiction of the courts of bankruptcy is clear and practical throughout: but incidentally the discussion of the jurisdiction to determine the rights of lienors is hardly conclusive. p. 12. In the chapter concerning the adjudication of bankruptcy, the technical acts of bankruptcy are defined with much care, but the defence of solvency, which is one of the characterizing features of the new law, is dismissed too briefly. pp. 36-51. The treatment of exemptions is notably satisfac-